

Appl. No. 10/713,985
Amdt. dated June 14, 2005
Reply to Office action of March 24, 2005

REMARKS/ARGUMENTS

Claims 1, 3-18, and 20 remain in this application. Claims 2 and 19 have been canceled.

The examiner has acknowledged that claim 20 is directed to allowable subject matter.

Claim 1, as amended, overcomes the 35 U.S.C. 102(b) rejection because it has been amended to include the invention being an improvement to a closed umbrella including a canopy-forming portion and having a ring that is removably arranged around the canopy-forming portion of the closed umbrella to prevent the umbrella from opening. Support for the amendment to specify that the invention is an improvement to a closed umbrella including a canopy-forming portion and has a ring that is removably arranged around the canopy-forming portion of the closed umbrella to prevent the umbrella from opening is found in the Specification at p. 6, lines 27-30, p. 7, lines 29-31, p. 8, lines 1-4, and in Fig. 1. The cited and relied upon Clarke (123,380) is not used to prevent a closed umbrella from opening. The amended claim is constructed to be drawn to the apparatus and umbrella in combination, wherein the apparatus prevents the umbrella from opening. The dependent claims 3-12 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

Claim 13, as amended, overcomes the 35 U.S.C. 102(b) rejection because it has been amended to include the invention being an improvement to a stationary closed outdoor umbrella including a body and having a ring that removably circumscribes the body of the closed outdoor umbrella to prevent the umbrella from opening. Support for the amendment to specify that the invention is an improvement to a stationary closed outdoor umbrella including a body and having a ring that removably circumscribes the body of the closed outdoor umbrella to prevent the umbrella from opening is found in the Specification at p. 6, lines 27-30, p. 7, lines 29-31, p. 8, lines 1-4, and in Fig. 1. The cited

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and relied upon Clarke (123,380) is not used to prevent a closed umbrella from opening. The amended claim is constructed to be drawn to the apparatus and umbrella in combination, wherein the apparatus prevents the umbrella from opening. The dependent claims 14-18 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

The dependent claims 3-12 and 14-18 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable. Claim 3 recites the handle comprising a length that enables a standing user to raise the ring above an uppermost point of a vertical table umbrella. Claim 4 recites the handle having a length greater than one half of a length of a rib of the umbrella. Claim 5 recites the umbrella comprising a center post, wherein the ring comprises a sidewall, wherein the sidewall is substantially parallel to the center post when the ring is arranged around the ribs of an umbrella, wherein the sidewall comprises a plurality of openings there through, and wherein the apparatus further comprises a plurality of embellishments arranged within respective plurality of openings. Claim 6 recites the ring being adapted to slide downward from the uppermost point of the umbrella, and wherein the ring comes to rest at a spaced distance below the uppermost point of the vertical umbrella. Claim 7 recites a center post of the closed umbrella extending through a table, wherein the handle is in contact with the table's top and extends upward such that the ring is arranged at a spaced distance from the uppermost point of the closed umbrella, and wherein the spaced distance is at least one half the length of a rib of the umbrella. Claim 8 recites the ring having an inner diameter approximately equivalent to the outer diameter of the closed umbrella at the spaced distance below the uppermost point of the vertical umbrella. Claim 9 recites the spaced distance being greater than one half of the length of the umbrella rib. Claim 10 recites the distal end of the handle being substantially perpendicular to an axis extending radially from the center of the ring. Claim 11 recites the proximal end of the handle being substantially rectangular, wherein the proximal end of the handle comprises a rectangular cut out area, and wherein the cut out area is adapted to accommodate the user's hand. Claim 12 recites the proximal end of the handle lying

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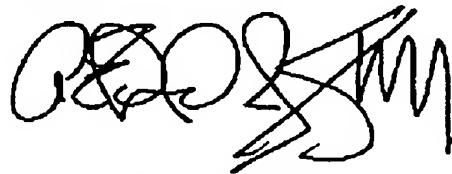
flat upon a tabletop when the ring is arranged on an umbrella. Claim 14 recites the handle comprising a rod-like member and a handhold, wherein the rod-like member extends between the ring and the handhold. Claim 15 recites the ring comprising at least one cut out area, and wherein the cut out area is fitted with a removable, user-configurable embellishment. Claim 16 recites the rod-like member comprising a proximal end and a distal end, wherein the handhold is perpendicular to the rod-like member, wherein the ring is perpendicular to the rod-like member, wherein the handhold is coupled to the proximal end, and wherein the ring is coupled to the distal end. Claim 17 recites at least one radial cut out area comprising a hole cut through a sidewall of the ring. Claim 18 recites the ring having an inner diameter less than the largest outer diameter of the closed outdoor umbrella.

In view of the above, it is respectfully submitted that:

Claims 1, 3-18, and 20, as amended, recite distinctions that are of patentable merit under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) for the independent claims and thus for each dependent claim as well. Specifically, an improvement to a closed umbrella including a canopy-forming portion and having a ring that is removably arranged around the canopy-forming portion of the closed umbrella to prevent the umbrella from opening was unsuggested among the prior art references.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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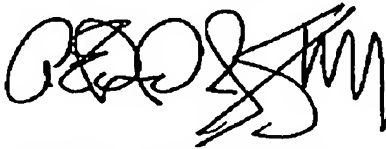
Attorney for Applicant

Date: June 14, 2005

Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office on the date shown below.

Anthony Edw. J Campbell

A handwritten signature in black ink, appearing to read 'A. E. J. Campbell', with a stylized flourish at the end.

Tuesday, June 14, 2005